



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **HATA, Tadoyo, et al.**

Group Art Unit: **1651**

Serial No.: **10/566,085**

Examiner: **MARX, Irene**

Filed: **January 27, 2006**

**P.T.O. Confirmation No.: 1011**

**FOR: NOVEL LACTOBACILLUS, LIVING BODY ACTIVATING LACTOBACILLUS  
PREPARATION AND PREVENTIVE OR THERAPEUTIC AGENT FOR LIVING  
BODY INFECTION**

**REQUEST FOR RETURN OF FORM PTO-1449**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

September 13, 2010

Sir:

An Information Disclosure Statement was filed on **January 27, 2006**. A copy of this Information Disclosure Statement is attached.

The PTO-1449 from this Information Disclosure Statement was returned with the Office action dated August 7, 2009, but one of the references, JP 47-16791, was lined-through to indicate it was not considered. No explanation was given as to why this reference was not considered.

Applicants respectfully submit that the Information Disclosure Statement was proper and this reference should have been considered.

It is respectfully requested that the Examiner return a copy of the Form PTO-1449 which accompanies the Information Disclosure Statement, marked to indicate that the references listed therein have been considered by the Office.

Application Serial No.: 10/566,085  
Request For Return of Form PTO-1449

The Examiner is requested to telephone the undersigned should he have any questions concerning this Request.

Respectfully submitted,

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PATENT TRADEMARK OFFICE

Enclosures: Copy of the Information Disclosure Statement filed January 27, 2006  
Initialed PTO-1449 returned with the Office action dated August 7, 2009  
PTO-1449